

REMARKS

This communication is in response to the Non-Final Office Action of September 23, 2008.

Claim 1 is rejected under 37 U.S.C. 103(a) as being unpatentable over Slezak (U.S. 6,647,119 B1), in view of Sibbald (U.S. 6,498,857 B1), and Shaw et al. (U.S. 6,016,515). Claims 2, 10, 17 and 18 are rejected under 37 U.S.C. 103(a) as being unpatentable over Slezak (U.S. 6,647,119 B1), Sibbald (U.S. 6,498,857 B1), Shaw et al. (U.S. 6,016,515) and further in view of Puryear et al. (US 2004/0064210 A1), and Li et al. (US 5,860,060).

In response to the claim rejections, Applicant is submitting new claims based on previously presented claims and remarks. In particular, the new claims explicitly recite that a user makes a first selection to associate a first application with at least one of the virtual devices and a second selection to associate a second application with at least one of the virtual devices. Applicant has also added clarifying language regarding mixing being supported for any speakers shared in common by open applications.

The claimed invention solves a problem in the prior art, namely that in many homes users have a computer system with multiple entertainment applications and also have multiple speakers located about the home in different locations, such as distributed about a room or even in different rooms. The claimed invention permits a user to make a selection of virtual devices for each of at least two entertainment applications. Each virtual device has at least one corresponding speaker from a group of speakers located in different locations. The sound card then simultaneously outputs audio from the entertainment application based on the users' selection of virtual devices. The sound card performs any required mixing.

It is respectfully submitted that the 35 USC 103 rejection needs to be withdrawn. The Examiner has admitted on page 6 of the Final Rejection that none of the cited reference describe two or more audio application that include a media player, video player, or game software. However, the Examiner's rational that these missing elements are well known applications that fall within official notice is misplaced. This is because the cited art is directed to a fundamentally different problem, namely providing spatial location information, such that one of ordinary skill would not make the combination. SLEZAK provides audio cues from a simulation sound source

having a directional location. SIBBALD also deals with the generation of a sound source that appears to be emitted from a point source.

None of the cited references deals with the problem of providing an efficient, easy way for a user to make a speaker assignment for two or more entertainment applications using virtual devices and performing any mixing required to support sharing individual speakers. Withdrawal of the 35 USC 103 rejections is therefore respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance. The Examiner is invited to contact the undersigned if there are any residual issues that can be resolved through a telephone call.

The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 50-1283.

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EVG/dlh